

FILED/ACCEPTED

MAR 01 2010

Federal Communications Commission  
Office of the Secretary

March 1, 2010

**BY HAND DELIVERY**

**REDACTED - FOR PUBLIC INSPECTION**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Suite TW-A325  
Washington, D.C. 20554

FILED/ACCEPTED

MAR 1 2010

Federal Communications Commission  
Office of the Secretary

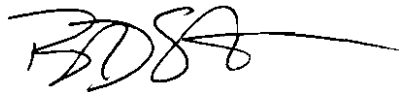
Re: 2009 Annual Customer Proprietary Network (CPNI) Certifications (EB Docket  
No. 06-36)

Dear Ms. Dortch:

In compliance with the rules set forth by the Federal Communications Commission in 47 C.F.R. Section 64.2009(e), Atlantic Broadband Finance LLC respectfully submits its CPNI Certification, along with its Request for Confidential Treatment.

Please direct any questions to me at (202) 730-1346 or at [bstrandberg@wiltshiregrannis.com](mailto:bstrandberg@wiltshiregrannis.com)

Sincerely yours,



Brita Dagmar Strandberg  
Counsel for Atlantic Broadband Finance LLC

No. of Copies made 0+4  
LLJ ABCDE



March 1, 2010

FILED/ACCEPTED

**Via Hand-Delivery**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Suite TW-A325  
Washington, D.C. 20554

MAR 01 2010

Federal Communications Commission  
Office of the Secretary

Re: Request for Confidential Treatment, 2009 CPNI Certification for Atlantic  
Broadband Finance LLC

Dear Ms. Dortch:

Atlantic Broadband Finance LLC (ABB) hereby requests confidential treatment of the designated portions of the attached certification, pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. § 0.457, 0.459, and requests that the Commission withhold the designated portion from any future public inspection. This document contains sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4).

Exemption 4 of FOIA provides that the public disclosure requirement of the statute "does not apply to matters that are . . . (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4). Because ABB's commercial information "of a kind that would not customarily be released to the public" in response to a request from Enforcement Bureau staff, this information is "confidential" under Exemption 4 of FOIA. *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, ABB hereby states as follows:

**1. Identification of Specific Information for Which Confidential Treatment Is Sought  
(Section 0.459(b)(1))**

ABB seeks confidential treatment with respect to its Incident Statement, which is designated with the header "SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSEPCTION".

**2. Description of Circumstances Giving Rise to the Submission  
(Section 0.459(b)(2))**

ABB's Incident Statement describes a disclosure of CPNI; public disclosure of information contained in the Incident Statement could facilitate attempts to gain unauthorized access to ABB or other carriers' CPNI.

**3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))**

In order to maintain ABB's security, information contained in the Incident Statement is not generally made known to the public. The information is sensitive as it could facilitate efforts to gain unauthorized access to ABB CPNI.

**4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))**

The market for the interconnected VoIP services that ABB provides is highly competitive.

**5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))**

ABB and its customers could be harmed if disclosure facilitated attempts obtain unauthorized access to CPNI.

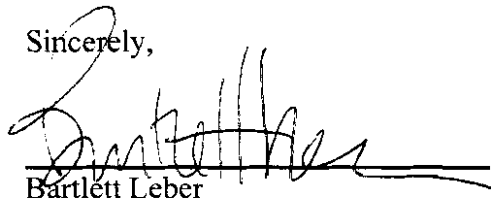
**6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))**

ABB does not disclose the information in the Incident Statement to the public.

**7. Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))**

This information is not publicly available and has not been previously disclosed.

Sincerely,



Bartlett Leber

Attachment

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**  
**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for **2010**

Date filed: **February 24, 2010**

Name of company covered by this certification: **Atlantic Broadband Finance LLC**

Form 499 Filer ID: **826014**

Name of signatory: **Bartlett Leber**

Title of signatory: **Senior Vice President & General Counsel**

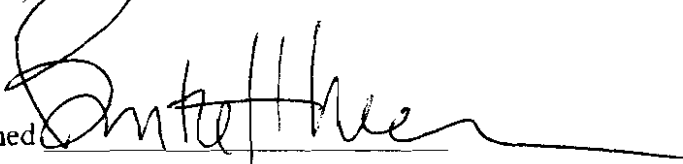
I, Bartlett Leber, certify that I am an officer of the company named above and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system or at the Commission) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI. Please see attached Incident Statement.

The company received one customer complaint in 2009 concerning the unauthorized release of CPNI, the details of which are included in the attached Incident Statement.

Signed

A handwritten signature in black ink, appearing to read "Bartlett Leber", written over a horizontal line.

## EB DOCKET 06-36

### ACCOMPANYING STATEMENT ANNUAL 47C.F.R § 64.2009(e) CPNI CERTIFICATION

The policy of Atlantic Broadband ("ABB") is to comply with the letter and spirit of all laws of the United States, including those pertaining to CPNI contained in § 222 of the Telecommunications Act of 1996, as amended, 47 USC § 222 and the FCC's regulations, 47 CFR § 64.2001-64.2011. ABB will revise its procedures as needed to reflect any subsequent revisions to the applicable law and regulations addressing CPNI.

#### 1. Use of CPNI

The Company has adopted specific CPNI policies to ensure that, in the absence of customer approval, it may only use, disclose, or permit access to individually identifiable CPNI in its provision of: (1) the telecommunications service from which the information is derived; (2) services necessary to, or used in, the provision of the telecommunications service, including the publishing of directories; or (3) as otherwise permitted by law and regulation.

ABB does not use, disclose, or permit access to CPNI to market service offerings to a customer that are not within a category of service to which the customer already subscribes, unless ABB has customer approval to do so.

ABB does not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.

#### 2. Obtaining Customer Approval for Use of CPNI

ABB has established methods to obtain customer approval for use of CPNI through written or electronic methods, including:

ABB must be able to record the customer's approval or disapproval or permit access to CPNI which must remain in effect until the customer revokes or limits such approval or disapproval.

ABB must establish methods to allow a customer to limit or revoke their approval or disapproval.

ABB must maintain records of approval for at least one year.

##### **Opt- Out Approval Processes**

- a. ABB may utilize the opt-out method to obtain approval to use CPNI for the purpose of marketing communications-related services to that customer.

- b. ABB may utilize the opt-out method to obtain approval to disclose CPNI, for the purpose of marketing ABB communications- related services to that customer, to its agents or to its affiliates that provide communications- related services.

#### **Opt-In Requirements**

ABB shall prohibit use of CPNI for any purpose that requires opt-in approval.

### **3. Notice Required for Use of CPNI**

Prior to soliciting any customer approval to use, disclose, or permit access to customers' CPNI, ABB notifies the customer of the customer's right to restrict use of, disclosure of, and access to, the customer's CPNI. ABB provides such notice to new customers at the time of subscription. ABB has re-notified all existing customers they may opt-out of use of CPNI and will do so again at least every two years. ABB will maintain records of the notification, whether oral, written or electronic, for at least one year. The content of customer notification meets the requirements of Section 64.2008 (c ) and (d) of the Commission's CPNI Rules. ABB provides notification to obtain opt-out approval through written methods and waits at least a 30- day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. The notice discloses the applicable waiting period for a response before approval is assumed. The Opt- Out method is available to every customer at no additional cost to the customer and available 24 hours a day, seven days a week.

ABB does not use methods that require opt-in approval; therefore has not established procedures for opt-in notice and approval.

In instances where the Company seeks one- time customer approval for the use or disclosure of CPNI, the Company obtains such approval in accordance with the disclosures, methods and requirements contained in Section 2008(f) of the Commission's rules.

### **4. Company Safeguards for Use of CPNI**

ABB has established a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

ABB has trained all its personnel as to when they are and are not authorized to use CPNI, and has adopted and communicated an express disciplinary process. Any improper use shall be treated as a serious offense, and may result in suspension or termination of employment in appropriate cases. Any company personnel making improper use of CPNI will undergo additional training to ensure future compliance. ABB will provide additional training on an as-needed basis.

ABB maintains a record, electronically or in some other manner, of its and its affiliates' sales and marketing campaigns that use customers' CPNI. ABB shall maintain a record

of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record shall include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. ABB shall retain the record for a minimum of one year.

ABB has established a supervisory review process regarding compliance with the Commission's rules for outbound marketing situations using CPNI and maintains records of ABB compliance for a minimum period of one year. Sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

An ABB officer (the "CPNI Officer"), as an agent of the carrier, shall sign and file with the FCC a compliance certificate on or before March 1 of each year, beginning March 1, 2008, in compliance with Section 64.2009(e) of the Commission's rule.

ABB shall provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumer' inability to opt-out is more than an anomaly.

#### **5. Safeguards On The Disclosure of CPNI**

Atlantic Broadband and its employees will take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. ABB has established procedures and trains personnel so customers are properly authenticated before accessing CPNI based on customer- initiated telephone contact, online account access or an in-store visit, in accordance with Section 64.2010 (b)- (d) of the Commission's rules.

ABB will authenticate a customer without the use of readily available biographical information or account information prior to the customer establishing a password or in the case of a lost or forgotten password. Authentication is accomplished through the use of a Personal Identification Number ("PIN"). The PIN is randomly generated and supplied to new customers at service initiation. For existing customers, PINs were mailed to the address of record. At the time of password creation, customers will establish a back up authentication method that does not prompt the customer for readily available biographical information or account information. Customers that cannot provide the correct password or the correct response to their back-up authentication method must establish a new password as described in this paragraph.

ABB will notify the customer when there are account changes, such as change of password, response to secret questions, address of record. ABB may notify customer by voicemail to the telephone number of record, or by mail (postal or electronic) to the address of record.

#### **Business customer exemption.**

ABB may use different authentication methods for a business customer if such methods are contractually binding, the negotiated service contract specifically discloses ABB's policy to protect CPNI, and the customer has a dedicated ABB account representative.

### **Additional Protection Measures**

ABB will take additional steps to protect the privacy of its customers' CPNI and to discover and protect against activity that is indicative of pretexting.

## **6. Notification Of CPNI Security Breach**

### **Notification of law enforcement and customers.**

The Company has established policies and procedures to comply with the requirements of Section 64.2011 of the Commission's rules. ABB will notify law enforcement and customers within the required timeframes. A record of any breaches and required notifications will be kept for a minimum of two years and will include all information required by Rule 64.2011.

## **7. Recordkeeping**

ABB's policy is to maintain records of customer approval for use of CPNI, as well as notices required by the FCC's regulations, for a minimum of one year. ABB maintains records of customer approval and disapproval for use of CPNI in a readily- available location that is consulted on an as- needed basis.

ABB will maintain separate files in which it will retain any court orders respecting CPNI.



**REDACTED FOR PUBLIC INSPECTION**

EB DOCKET 06-36

ACCOMPANYING STATEMENT  
ANNUAL 47 C.F.R. § 64.2009(e) CPNI CERTIFICATION

**REDACTED**